

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF INDIANA  
NEW ALBANY DIVISION

In re: \_\_\_\_\_ ) Chapter 11  
                  ) \_\_\_\_\_  
EASTERN LIVESTOCK CO., LLC,         ) Case No. 10-93904-BHL-11  
                  ) \_\_\_\_\_  
                  Debtor.                  ) \_\_\_\_\_

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**PROPOSED AGENDA OF MATTERS SCHEDULED FOR  
HEARING ON AUGUST 20, 2012 AT 10:00 A.M. EDT**

James A. Knauer, the chapter 11 trustee appointed in this case ("Trustee"), by counsel, submits this proposed agenda for the hearing scheduled for August 20, 2012 at 10:00 a.m. EDT ("Hearing") in Room 103, U.S. Courthouse, 121 West Spring Street, New Albany, Indiana.

**DIAL IN INFORMATION** The dial-in telephone number for interested parties to participate in the Hearing by conference call is 1-888-399-7768; passcode 586676, followed by the pound ("#") key.

**IN THE EVENT THAT THE HEARING IS NOT CONCLUDED ON AUGUST 20,  
2012, THE COURT WILL CONTINUE ANY REMAINING MATTERS TO  
AUGUST 21, 2012 AT A TIME TO BE ANNOUNCED BY THE COURT.**

**A. MATTERS CONTINUED FROM LAST OMNIBUS HEARING**

1. **Pretrial Conferences in the following Adversary Proceedings:**
  - i. ***Atkinson Livestock*** (James A. Knauer, Chapter 11 Trustee of Eastern Livestock Co., LLC vs Atkinson Livestock Market, LLC, Adv. Proc. 11-59094)
  - ii. ***Corey Kay and Schroeder Feeders*** (James A. Knauer, Chapter 11 Trustee of Eastern Livestock Co., LLC vs Corey Kay and Schroeder Feeders Starter Yard, L.L.C., Adv. Proc. 12-59010)
  - iii. ***Demaio Farms & Ranches*** (James A. Knauer, Chapter 11 Trustee of Eastern Livestock Co., LLC vs Demaio Farms & Ranches, Inc., Adv. Proc. 12-59011)
  - iv. ***Allen Barry*** (James A. Knauer, Chapter 11 Trustee of Eastern Livestock Co., LLC vs Allen Barry, Adv. Proc. 12-59012)

- v. **Pesetsky Land & Cattle** (James A. Knauer, Chapter 11 Trustee of Eastern Livestock Co., LLC vs Pesetsky Land & Cattle, LLC (Adv. Proc. 12-59014))
- vi. **Ron Shephard** (James A. Knauer, Chapter 11 Trustee of Eastern Livestock Co., LLC vs Ron Shephard, Adv. Proc. 12-59015)
- vii. **Salem Livestock** (James A. Knauer, Chapter 11 Trustee of Eastern Livestock Co., LLC vs Salem Livestock, Adv. Proc. 12-59025)
- viii. **Tennessee Valley Livestock** (James A. Knauer, Chapter 11 Trustee of Eastern Livestock Co., LLC vs Tennessee Valley Livestock, Adv. Proc. 12-59027)
- ix. **Sand Mountain Stockyard** (James A. Knauer, Chapter 11 Trustee of Eastern Livestock Co., LLC vs Sand Mountain Stockyard, Adv. Proc. 12-59028)
- x. **Gene Stoops** (James A. Knauer, Chapter 11 Trustee of Eastern Livestock Co., LLC vs Gene Stoops, Adv. Proc. 12-59029)

## B. MATTERS SET FOR AUGUST 20, 2012 HEARING

- 1. Motion to Compel Testimony and Production of Documents
  - i. Movants: Joint Motion Bluegrass Parties, CPC Livestock, and First Bank (Dkt. #1339)
  - ii. Other Filings: Trustee's Response (Dkt. #1344)
- 2. Motion for Rule 26(c) Protective Order and Rule 45 Objections re Deposition of James Knauer
  - i. Movant: James Knauer (Dkt. #1263, 1336)
  - ii. Other Filings: Superior's Response (Dkt. #1313)
- 3. Objections/Motions to Strike Trustee's Report Regarding Investigation and Analysis of Potential Claims Against Fifth Third Bank
  - i. Movants/Objectors:
    - 1. Superior Livestock (Dkt. #1177, 1197, 1206, 1296, 1348)
    - 2. First Bank (Dkt. #1201, 1204)
    - 3. CPC Livestock (Dkt. #1209)

4. Bluegrass Parties (Dkt. #1216)
5. Laurel Livestock (Dkt. #1222)
- ii. Other Filings: Trustee's Report (Dkt. #1166); Comments and Adoption by Hoover Hull (Dkt. #1221); Trustee's Response to Objections & Motions to Strike (Dkt. #1326)
4. Motions to Remove Trustee
  - i. Movants:
    1. Bluegrass Parties (Dkt. #1237, 1345)
    2. First Bank (Dkt. #1239)
    3. Bluegrass, First Bank, Superior Livestock Joint Evidentiary Submission (Dkt. #1248)
    4. Kentucky Cattlemen's Association (#1324)
  - ii. Other Filings: Trustee's Response (Dkt. #1329, 1332)
5. Renewed Objection to Remove Faegre Baker Daniels as Counsel
  - i. Objectors:
    1. First Bank (Dkt. #1238, 1357)
    2. Bluegrass Parties (Dkt. #1278, 1279, 1345)
    3. Kentucky Cattlemen's Association (#1324)
  - ii. Other Filings: Trustee's Response (Dkt. #1327, 1332, 1356)
6. Trustee's Motion For Leave To File Document Under Seal
  - i. Movant: Trustee James Knauer (Dkt. #1333)
  - ii. Other Filings: None. This motion relates to Trustee's responses to Nos. 4 and 5 above.
7. Superior Adversary (Adv. Proc. No. 11-59088): Motions for Extensions of Time to File Response to Partial Summary Judgment Motion
  - i. Movants:
    1. Trustee's Motion (Dkt. #141)
    2. Fifth Third's Motion (Dkt #142)
  - ii. Other Filings: Court's Order (Dkt. #144); Superior's Motion to Reconsider (Dkt. #145); Trustee's Response to Superior's Motion to Reconsider (Dkt. #150); Fifth Third Bank's Response to Superior's Motion To Reconsider (Dkt. #151)
8. Texas Interpleader (Adv. Proc. No. 11-59093): Status Conference Re: Damages Under Quantum Meruit (Order denying Summary Judgment entered on 7/27/12)

### **C. UPDATES ON MATTERS NOT SET FOR AUGUST 20 HEARING**

1. Deadline for Objectors to file evidence and briefs re PASA trust issues in several contested matters and APs occurred on 8/15/12.
2. Matter between Fifth Third Bank and The First Bank and Trust related to unsealing documents designated confidential (relates to main case and interpleader actions). Status – in mediation.
3. Texas Interpleader (*Friona*, A.P. No. 11-59093): Friona and J&F Holdings motion to alter or amend summary judgment for Nichols. (Dkt. # 467)

### **D. MATTERS CURRENTLY UNDER ADVISEMENT**

1. Texas Interpleader (*Friona*, A.P. No. 11-59093): Superior's motion for partial judgment on the pleadings relating to five lots of cattle. Fully briefed and awaiting ruling. (AP 11-59093, Dkt. #274, #275)
2. Colorado Interpleader (*Fredin Brothers, Inc.*): Trustee's motion for summary judgment re BankFirst [Doc. 38]; Peoples Bank's motion for summary judgment (Dkt. #42). Fully briefed and awaiting ruling.

### **E. UNCONTESTED MATTERS**

1. Trustee's Motion To Approve Compromise and Settlement With Gary Seals (Dkt. #1202)
  - i. No objections filed. Order to be entered.
2. Motion To Approve Compromise and Settlement With Kenny Ogden (Dkt. #1242)
  - i. No objections filed. Order entered (Dkt. #1349).
3. Joint Stipulation of All Defendants and Unopposed Motion For Distribution of Registry Funds (Dkt. #1257)
  - i. No objections filed. Order entered (Dkt. #1347).

## F. PROCEEDINGS IN RELATED CASES

1. *In re East-West Trucking*, Case No. 10-93799
  - i. No matters scheduled.
2. *In re Thomas and Patsy Gibson*, Case No. 10-93867
  - i. Hearing re INTRUST Bank, N.A.'s Motion For Relief From Automatic Stay And For Abandonment Of Property And Notice Of Objection Deadline (Dkt. #347)
    1. Eastern Livestock Trustee's Limited Objection To Stay Relief Motion Filed By Intrust Bank, N.A. (Dkt. #391)
    2. Fifth Third Bank's Objection To Stay Relief Motion Filed By Intrust Bank, N.A. (Dkt. #394)

## G. SEPTEMBER 7, 2012 HEARING SET FOR TRUSTEE'S PROPOSED DISCLOSURE STATEMENT. OBJECTIONS DUE SEPTEMBER 5, 2012.

The dial-in telephone number for interested parties to participate in Disclosure Statement hearing, by conference call is 1-888-399-7768; passcode 586676, followed by the pound ("#") key. The hearing will be held in Room 103, U.S. Courthouse, 121 West Spring Street, New Albany, Indiana.

Respectfully submitted,

FAEGRE BAKER DANIELS LLP

By: /s/ Terry E. Hall

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### **CERTIFICATE OF SERVICE**

I hereby certify that on August 17, 2012, a copy of the foregoing pleading was filed electronically. Notice of this filing will be sent to the following parties through the Court's Electronic Case Filing System. Parties may access this filing through the Court's system.

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I further certify that on August 17, 2012, a copy of the foregoing pleading was served via electronic mail transmission on the following:

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/s/ Terry E. Hall

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